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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,640	09/17/2003	Hideyuki Kawanabe	03572/LH	5052
1933	7590	01/27/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			LAVARIAS, ARNEL C	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Appli ation No.

10/664.640

Applicant(s)

KAWANABE ET AL.

Examiner

Arnel C. Lavarías

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 9/17/03.
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings were received on 9/17/03. These drawings are acceptable.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Examples of such errors are given below.

4. The disclosure is objected to because of the following informalities:

Page 25, line 20- insert 'and' after 'diaphragm'

Page 26, lines 9, 21, 26- delete 'the' after 'While'

Page 27, line 23- delete 'the' after 'changed for'.

Appropriate correction is required.

Claim Objections

5. Claims 1-6 are objected to because of the following informalities:

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Claim 1, line 9; Claim 2, line 3; Claim 3, line 16; Claim 4, line 3; Claim 5, lines 4, 7;

Claim 6, line 11- 'the power supply' should read 'the supply of power'.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaczynski et al. (U.S. Patent No. 5315080), in view of Ikoh et al. (U.S. Patent No. 5517353) and Maenle et al. (U.S. Patent Application Publication US 2003/0179445 A1).

Kaczynski et al. discloses a microscope apparatus (See Figures 1-2) comprising at least one driver (See 3 in Figures 1-2; col. 2, lines 27-34); and a plurality of sensors to individually detect stopped states of the at least one driver (See 5, 21 in Figures 1-2). Kaczynski et al. does not specifically disclose a plurality of drivers mounted on a main body of the microscope apparatus, a power supply which supplies power to the plurality of sensors, and a selecting section which selects at least one of the plurality of sensors to be supplied with power from the power supply. It is noted that the use of a power supply to provide electrical voltage/current to sensors in a microscope is known in the art.

Further, it is known in the art to utilize multiple drivers, such as motors on the sample

stage and on the revolver, in a microscope, and to attach such drivers to the microscope body. As an example, Ikoh et al. teaches a microscope system (See for example Figure 10), which includes various sensors, drivers, and illumination apparatuses (See for example Figures 1-8, 11-17). In particular, Itoh et al. relies on the use of a power source circuit connected to a commercial power source to drive these various sensors, drivers, and illumination apparatuses (See for example 9 in Figure 5; 112 in Figure 11). Further, Ikoh teaches that a driver may also be used with the revolver for objective lens selection, and that this driver may be attached to a microscope body (See for example Figures 6-7, 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a power supply which supplies power to the plurality of sensors, as taught by Ikoh et al., in the microscope apparatus of Kaczynski et al., to simplify automation of the various functions of the microscope (e.g. focusing and calibration of various optical elements). Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a plurality of drivers mounted on a main body of the microscope apparatus, as taught by Ikoh et al., in the microscope apparatus of Kaczynski et al., to reduce the size of the optical system by integrating everything onto the microscope, as well as simplify automation of multiple functions of the microscope (in the instant case, automating objective selection and focusing). The combined teachings of Kaczynski et al. and Ikoh et al. do not specifically disclose a selecting section which selects at least one of the plurality of sensors to be supplied with power from the power supply. However, it is known in the art to provide a main switch or button on a microscope that controls the main power to all of the various

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electronics in the microscope. For example, Maenle et al. teaches a conventional electronic microscope for cytological imaging applications (See Abstract; Figures 4-5, 34-35), wherein operation of the microscope, including the microscope's various functions, requires that the microscope initially be powered on (See for example 600 in Figure 2A). In doing so, all of the microscope electronic components, including the drivers and sensors, become electrically live. One of ordinary skill would typically toggle a main switch or push a main power button to perform such power-up. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a selecting section, such as a main switch or power button, which selects at least one (or in the instant case all) of the plurality of sensors to be supplied with power from the power supply, as taught by Maenle et al., in the microscope apparatus of Kaczynski et al. and Ikoh et al., for the purpose of reducing the time required to operate the microscope since all of the electrical components are already electrically live and do not have to be individually powered up when needed.

Allowable Subject Matter

8. Claims 1-6 would be allowable if rewritten or amended to overcome the claim objections set forth in this Office action.
9. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 1, the microscope apparatus including a controller which controls the

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supply of power to the sensor from the power supply in accordance with a drive control signal sent from the drive controller to the driver. Claim 2 is dependent on Claim 1, and hence is allowable for at least the same reasons that Claim 1 is allowable.

Claim 3 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 3, the microscope apparatus including a controller which controls the supply of power to the second sensor from the power supply in accordance with a drive control signal sent from the drive controller to the second driver. Claims 4-5 are dependent on Claim 3, and hence are allowable for at least the same reasons that Claim 3 is allowable.

Claim 6 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a microscope apparatus, as generally set forth in Claim 6, the microscope apparatus including a state detection section which detects an exposure state of the imager; and a controller which stops the supply of power to the sensor depending on the exposure state of the imager, which is detected by the state detection section.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias
Patent Examiner
Group Art Unit 2872
1/24/05